

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CARY M. DAVID, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

UNITED CONTINENTAL HOLDINGS, INC.
and UNITED AIRLINES, INC.,

Defendants.

Case: 2:15-cv-01926-SDW-LDW

ORDER

November 24, 2015

WIGENTON, District Judge.

This matter, having come before this Court on Defendants United Continental Holdings, Inc. and United Airlines, Inc.'s (collectively "United" or "Defendants"), Motion to Dismiss Plaintiff Cary M. David's ("David" or "Plaintiff") Class Action Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure ("Rule") 12(b)(6), and Plaintiff's Motion to Strike the Declarations of David Cronin and Craig Norwood, and this Court, having carefully considered the submissions and arguments of the parties, for the reasons stated in this Court's Opinion dated November 24, 2015,

IT IS on this 24th day of November, 2015,

ORDERED that Defendants' Motion to Dismiss the Complaint is **GRANTED**. Because the ADA preempts all of Plaintiff's claims, amendment would be futile; and it is further

ORDERED that Plaintiff's Motion to Strike is **DENIED**.

SO ORDERED.

s/ Susan D. Wigenton, U.S.D.J.

Orig: Clerk
cc: Leda D. Wettre, U.S.M.J.
Parties